

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

03 MDL 1570 (GBD)(SN)

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

This Document Relates to:

RICHARD ABBATE, et al.

Plaintiff,

v.

KINGDOM OF SAUDI ARABIA, et al.

Defendants.

Case No. 17-CV-08617 (GBD)(SN)

**DECLARATION IN SUPPORT OF
SECOND MOTION FOR LEAVE TO
WITHDRAW AS COUNSEL FOR
PLAINTIFF ALEXANDER AVELINO
ONLY**

**DECLARATION IN SUPPORT OF SECOND MOTION FOR
LEAVE TO WITHDRAW AS COUNSEL**

Christopher R. LoPalo, hereby declares the following under the penalty of perjury:

1. That the undersigned has actively carried out his duties in the best interest of Plaintiff, Alexander Avelino (hereinafter "Plaintiff");
2. That facts now exist pursuant to Rule 1.16(b)(1) of the Code of Professional Responsibility that require the undersigned to seek permission to withdraw as attorney of record for Plaintiff;
3. Specifically, the Plaintiff is in the process of getting a marital divorce from the sister and sister-in-law of attorneys at my office.

4. As a result of Plaintiff's divorce proceedings all civil communications with the Plaintiff has my office have terminated.

5. Counsel served Plaintiff with its first motion to be relieved as counsel on December 20, 2020 and Plaintiff has not contacted Counsel since.

6. Given the personal nature of the divorce proceedings, some which may be prejudicial to the Plaintiff, Counsel respectful requests that if the Court requests any additional information about the Plaintiff's actions or the divorce proceeding that such information be provided to the Court for *in camera* review only.

7. As a result of Plaintiff's actions and breakdown of communications Counsel does not know if Plaintiff will consent to Counsel's withdrawal of representation.

8. As a result of Plaintiff's actions and the breakdown of communications Counsel does not know if the Plaintiff, an attorney himself, will represent himself *pro se* or will hire an attorney to represent him.

9. A copy of this motion will be served on the Plaintiff and he will be given the opportunity to respond and inform the Court of his position along with his intentions on proceeding *pro se* or steps taken, if any, to retain, new counsel.

10. That Plaintiff, has been informed of the undersigned's intention to withdraw as attorney of record and has been sent a copy of this motion by United States Postal Service overnight mail to Plaintiff's last known address;

11. That Plaintiff, will not be prejudiced as there are currently no imminent deadlines or appearances int his matter;

12. The last known address of Plaintiff, is 1411 Broadway, 16th Floor, New York, NY 10018.

13. Counsel will not be asserting a retaining or charging lien in this matter.

WHEREFORE, undersigned counsel prays this Court enter an *Order* granting this Motion for Leave to Withdraw as Counsel for Plaintiff *Alexander Avelino only*.

DATED: January 28, 2021

/s/ Christopher R. LoPalo
Christopher R. LoPalo, Esq.
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